Supreme Court, U. S.
FILED
MAY 12 1976
MICHAEL RODAK, JR., CLERK

NO. 75-1210

IN THE

Supreme Court of the United States

JAMES H. QUARLES, Individually and as Trustee for the Estate of James H. Quarles, E. A. HYLAND, Individually and as Trustee, and LAWYERS SURETY CORPORATION, *Appellants*

v.

J. C. GOODSON, also sometimes known as JACK C. GOODSON and wife, FANNIE MAE GOODSON, MRS. E. A. BIGGERS, D/B/A E. A. BIGGERS, REAL ESTATE, GEORGE N. ST. CLAIR, and AMERICAN TITLE COMPANY, *Appellees*

PETITION FOR REHEARING DISMISSING APPEAL AND DENYING CERTIORARI

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Petitioners respectfully request that this Court grant rehearing of its Order dated April 19, 1976, which dismissed his appeal and denied certiorari, and that the Court now grant a hearing on their appeal or in the alternative grant certiorari.

Petitioners now contend that appellees' brief was prejudiced, inflammatory and biased and was intended to influence this court with previous litigation with the State

of Texas and appealed to this court by petitioner Quarles, and set out in appellees brief, said litigation having no bearing upon this case whatsoever and therefore denies the petitioners due process by this court.

The appeal previously filed herein was brought under statutory provisions 28 U.S.C.A. 2101, 28 U.S.C.A. 2104, 28 U.S.C.A. 1257, and Article III, Sec. II of the United States Constitution, and Amendments V, VII and XIV and was supported by case decision in *United States of America v. Bernard E. Myer,* 462 F.2d 827, 346 F. Supp. 973.

Petitioners represent unto the Court that the Order entered in this case is in direct conflict with the Court's decision in Case No. 71-862, *United Air Lines, Inc., Appellants v. George E. Mahin, et al.,* 93 S.Ct. 1186, in which the Court vacated and remanded the Order of the Illinois Supreme Court, and in so doing this Court said:

> Determination that certain construction of State Statutes was invalid under Federal Constitution created a Federal question cognizable by the United States Supreme Court and possibility that State Court might have reached same conclusion if it had decided question purely as a matter of State law does not create an adequate and independent State ground that relieves Supreme Court of the necessity of considering Federal question.

The appeal filed was one entitled to decision by the Court as one having been ruled upon by the Texas Supreme Court and therefore entitled to review by this Court under 28 U.S.C.A. 1257 as well as other authority set out herein. The appeal presented the questions as to whether:

A. They were denied a fair and impartial trial.

B. They were denied Due Process.

C. They were denied a Jury Trial.

Since there now exist a clear and express conflict of decisions among the courts on an important question of Federal law affecting many people in different parts of the country, compelling reasons are evident why the questions presented should be reviewed and definitely determined by this Court.

CONCLUSION

For the reasons set forth in this petition for rehearing, as well as in the appeal and application for certiorari should be granted.

Respectfully submitted,

JAMES H. QUARLES
Post Office Box 52009
Houston, Texas 77052
Attorney for Appellants

CERTIFICATE

Pursuant to Rule 58, I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay, and is restricted to the grounds specified in paragraph 2 of Rule 58.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed by United States mail, postage prepaid, addressed to the following individuals at the address following each of their respective names.

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on this _____ day of May, 1976.

JAMES H. QUARLES, Trustee
Attorney for Appellants